



OVERSIGHT AND
COMPLIANCE

OFFICE OF THE CHIEF MANAGEMENT OFFICER
9010 DEFENSE PENTAGON
WASHINGTON, DC 20301-9010

NOV 28 2018
Ref: 19-A-0020-A1
OFOI 19-A-0020

Mr. Edward Hasbrouck
1130 Treat Avenue
San Francisco, CA 94110

Dear Mr. Hasbrouck,

This responds to your October 12, 2018 Freedom of Information Act (FOIA) appeal. You are appealing the Freedom of Information Division's (FOID) decision to deny your request for expedited processing of your May 3, 2018 FOIA request.

I reviewed your request at the appellate level and determined that your request for expedited processing should continue to be denied. You sought expedited processing on the basis of compelling need. Department of Defense (DoD) Regulation 32 Code of Federal Regulations §286.8(e)(i)(B), states that compelling need means that "the information is urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged government activity." The DoD generally uses a standard in which urgently needed means that "the information has a particular value that will be lost if not disseminated quickly." In order to determine "compelling need," the DoD has a three-pronged test to decide whether or not the information is "urgently needed." The three prongs of the test are as follows:

1. Whether the request concerns a matter of current exigency to the American public.
2. Whether the consequences of delaying a response would compromise a significant recognized interest.
3. Whether the request concerns actual or alleged federal government activity.

I have concluded that your initial request does not meet the second prong of the test. Since you have not demonstrated a compelling need for the information, FOID will continue to process the request in its standard queue.

You have the right to judicial review of this decision in a United States District Court, in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

Joo Y. Chung
Director